

Where the Land Meets the Water

The land/water interface—that varying line where the land and the water meet—is an interesting and critically important part of Michigan’s ecosystems. Our state has 3,288 miles of Great Lakes shorelands fed by over 36,000 miles of rivers and streams. Michigan has more than 11,000 inland lakes, 71,000 acres of critical sand dunes, 320 miles of high risk erosion shorelines, and 5.5 million acres of wetlands. Whether Great Lakes, wetlands, inland lakes, rivers, streams, drains, canals, ponds, or impoundments, these areas provide tremendous aesthetic, recreational, economic, and resource value to Michigan, its citizens and visitors. They provide habitat to fish, wildlife, and/or plants, including some that may be threatened or endangered. Many of these areas, in particular wetlands, provide for natural flood control and water purification. Balancing the use of these resources while affording adequate protection is a formidable challenge – and an essential task of governing.

The administration of programs to protect the state’s land and water resources has been entrusted to the Department of Environmental Quality, Land And Water Management Division (LWMD). The LWMD is charged with ensuring that both the public trust and riparian rights are preserved. In an effort to maintain this balance, several state and federal regulations apply to activities at the land/water interface and require permits for activities such as construction, dredging, excavation, filling, grading, and vegetation removal. In some sense, the permit serves as a sort of insurance policy, requiring limitations and imposing conditions to avoid unacceptable environmental consequences and to protect the rights of others from damage and economic injury. Obtaining and complying with a land/water interface permit will help avoid lawsuits or enforcement action.

If a person wants to construct a dock, seawall, marina, or dam; put a driveway through a wetland; build a house in a floodplain; construct a deck on a critical sand dune lot; or any other regulated activity under one or more of these regulations, what is the LWMD doing to reduce the red tape and make the process easier?

The LWMD has established a consolidated permit application package called the Joint Permit Application (JPA). The JPA is shared by both the LWMD and the United States Army Corps of Engineers (USACE). If a person proposes to do any or all the activities mentioned above, only one application is required to meet state and federal requirements. This application is available by contacting any LWMD office or by going to the LWMD’s Joint Permit website, at www.Michigan.gov/jointpermit. The site provides the tools needed to prepare the application including the application form, fee schedule, rules pertaining to the project, an application instruction manual, staff contacts, resource location maps, and resource protection documents. There are also links to guidance material about water, wetlands, floodplains, hydrology, building a pond, shoreline protection, and many other topics.

The permit process also provides several behind-the-scenes benefits to the applicant.

- Applications are reviewed for possible impacts to state or federal threatened and endangered species, whether there is known polluted sediment, a previous wetland delineation, a conservation easement, an archaeological site, a designated Natural River, a local wetlands ordinance, and other factors that may affect the applicant's proposal. If the applicant is unaware of just one of these factors, bringing it to the applicant's attention early on may prevent delays.
- The LWMD's review of most applications also serves to satisfy certain provisions of the federal Clean Water Act. When the LWMD reviews and issues a permit the decisions are usually made more quickly because a separate USACE permit may not be required. This saves the applicant the time and money involved in obtaining a separate permit.
- The permit an applicant receives from LWMD may actually afford approvals and authorizations under many laws, including
 - Wetland Protection
 - Floodplain Protection
 - Inland Lakes and Streams
 - Dam Safety
 - Shoreland Protection and Management
 - Great Lakes Submerged Lands
 - Sand Dunes Protection and Management
 - Certification under Section 401 of the Clean Water Act

Once an application is determined to be administratively complete it is forwarded to the appropriate district office for technical review and a decision on the proposal. Before a final decision is made, a site inspection is generally conducted by field staff to evaluate the project site, potential environmental impacts, and possible alternatives. Depending on the overall impacts of the proposed project, the application may require notice to the public and possibly a public hearing before a final determination is made.

The LWMD's Permit Consolidation Unit receives over 300 telephone calls per week, many concerning application status. The status of all applications received by the LWMD can also be obtained on the Internet at www.deq.state.mi.us/ciwpiis. Information for any complete application can be reviewed based upon a particular area, including county, township or water body, a particular applicant (usually listed by the property owner), or applications received during a particular time period (current applications are listed in 2-week groupings). On-line information includes:

- Status of the application in the review process. The application database will show if the application is waiting to be reviewed, waiting for additional information to be submitted, or if it has been sent on to the district office for review.
- All currently active public notices and public hearing notices. The complete notice and application can be viewed on-line and comments can also be electronically submitted on-line.

Services provided by the LWMD permitting staff can be obtained in several ways:

- By calling 1-800-662-9278 and asking for the Permit Consolidation Unit.
- By calling the LWMD direct at 517-373-9244.
- Through email at deg-lwm-pcu@michigan.gov.
- By facsimile at 517-241-9003.
- For land/water permit application information by going on-line at www.michigan.gov/jointpermit.